

State of New Hampshire Department of Health and Human Services

REQUEST FOR APPLICATIONS (RFA) #15-DHHS-OHS-OOS-RFA-01

FOR

Approval to Operate an Alternative Treatment Center

December 19, 2014



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1. INTRODUCTION

1.1. Purpose and Overview

This Request for Applications (RFA) is published to solicit applications from not-for-profit corporations that seek approval to apply for a registration certificate to operate an Alternative Treatment Center (ATC).

In June 2013, the New Hampshire Legislature passed House Bill 573, relative to the use of cannabis for therapeutic purposes, which Governor Maggie Hassan signed into law ([RSA 126-X, Use of Cannabis for Therapeutic Purposes](#)) with an effective date of July 23, 2013. RSA 126-X is intended to provide relief to individuals with a qualifying medical condition while also providing a high level of control ensuring that therapeutic cannabis is strictly limited to qualifying patients.

RSA 126-X places responsibility for administering the program within the Department of Health and Human Services (Department). The Department's responsibilities include issuing registry identification cards to qualifying patients and designated caregivers; maintaining a registry of qualifying patients and designated caregivers; issuing registration certificates to ATC; and regulating the operation of ATCs.

ATCs will be responsible for all aspects of the cultivation and dispensing of cannabis including, but not limited to: cultivation and processing, quality control, packaging and labeling, dispensing, waste disposal, and security. An ATC will be allowed to dispense cannabis only to those qualifying patients who have designated that ATC through the patient application process or their designated caregivers. A qualifying patient may choose to designate any ATC in the state, but may designate only one ATC at any given time.

1.2. Request For Applications Terminology

Alternative Treatment Center (ATC) – means a not-for-profit entity registered under [RSA 126-X:7](#) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients, designated caregivers and ATCs. For the purpose of this definition, "not-for-profit" means a corporation that is registered with the NH secretary of state under [RSA 292](#) and is a charitable trust pursuant to [RSA 7:19](#) et seq for the benefit of qualifying patients.

Alternative treatment center agent (ATC agent) – means a principal officer, board member, employee, manager, or volunteer of an alternative treatment center who is 21 years of age or older and has not been convicted of a felony or any felony drug-related offense. This term includes executive employees and corporate officers.

Cannabis – means all parts of any plant of the cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from the seeds of such plants, any other compound, salt,



derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

Cannabis-infused product (CIP) – means a product infused with cannabis that is intended for use or consumption, other than by smoking, including but not limited to edible products, ointments, aerosols, oils, and tinctures. These products, when created or sold by an ATC, shall not be considered a food or a drug.

Cultivation – means a method or process of growing cannabis regardless of whether the growing medium is soil, soil-based, hydroponic, aeroponic, aquaponic, or other method.

Cultivation location – means a locked, indoor, and enclosed site under the control of an ATC where cannabis is cultivated, and which is secured with one or more locks or other security devices in accordance with RSA 126-X and He-C 402.24, and which can be a separate location from the dispensing portion of the ATC.

Department or DHHS – means the New Hampshire Department of Health and Human Services

Designated caregiver – means an individual who:

- (a) Is at least 21 years of age;
- (b) Has agreed to assist with one or more (not to exceed 5) qualifying patient's therapeutic use of cannabis, except if the qualifying patient and designated caregiver each live greater than 50 miles from the nearest ATC, in which case the designated caregiver may assist with the therapeutic use of cannabis for up to 9 qualifying patients;
- (c) Has never been convicted of a felony or any felony drug-related offense; and
- (d) Possesses a valid registry identification card issued pursuant to RSA 126-X:4.

Dispense or dispensing – means to distribute, give away, or sell one or more doses of cannabis or CIP to a qualifying patient or designated caregiver to be administered or taken at a different location than the ATC.

Executive employee – means an individual who is responsible for the operations of the ATC, such as the chief executive officer (CEO) or executive director (ED), chief operations officer (COO) or director of operations, chief financial officer (CFO) or director of finance, administrator, director of human resources, chief medical officer, and any other individual involved in the oversight and business management of the ATC operations.

Geographic area – means an area of the state of New Hampshire designated for use in the RFA process to encourage the geographic separation of ATCs throughout the state (See Appendix A-Geographic Area Map), but which does not limit in any way the choice of a qualifying patient to register with any ATC, and includes:

- (a) “Geographic area 1” means Belknap, Rockingham, and Strafford counties;
- (b) “Geographic area 2” means Hillsborough and Merrimack counties;



- (c) "Geographic area 3" means Cheshire and Sullivan counties, and the town of Hanover and the city of Lebanon in Grafton County; and
- (d) "Geographic area 4" means Carroll, Coos, and Grafton counties, not including the town of Hanover and the city of Lebanon in Grafton County.

Minimum Qualifying Application – means an application that includes a Transmittal Cover Letter, Executive Summary, Mandatory Responses (Section 3), Financial documents (Section 4), Conflict of Interest Statement, Geographic Area Statement (Appendix B), and the application fee.

Not-for-profit – means a corporation that is registered with the NH Secretary of State under RSA 292 and is a charitable trust pursuant to RSA 7:19 et seq for the benefit of qualifying patients.

OOS – means the Department's Office of Operations Support.

Post-selection registration process – means the process that a selected ATC must follow in order to receive a registration certificate from the Department. This process is described in He-C 402.05 Registration of ATCs.

Provider – means a physician or an advanced practice registered nurse licensed to prescribe drugs to humans under RSA 329 or 326-B:18, respectively, and who possesses certification from the United States Drug Enforcement Administration to prescribe controlled substances

Qualifying medical condition – means the presence of:

- (1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, agitation of Alzheimer's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; and
- (2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms.

Qualifying patient – means a resident of New Hampshire who has been diagnosed by a provider as having a qualifying medical condition and who possesses a valid registry identification card issued pursuant to RSA 126-X:4.

Registry identification card – means a document indicating the date issued and expiration date by the department pursuant to RSA 126-X:4 that identifies an individual as a qualifying patient or a designated caregiver.



Registration certificate – means the document issued to an applicant or registrant at the start of operation as an ATC which authorizes operation in accordance with RSA 126-X and He-C 402, and includes the name of the ATC, the name of the business, the physical address, the effective dates, the name of the ATC administrator, and the registration number.

Written certification – means documentation of a qualifying medical condition by a provider for the purpose of issuing registry identification cards, after having completed a full assessment of the patient's medical history and current medical condition made in accordance with He-C 401.06(b)(2) and made in the course of a provider-patient relationship, and which includes the date of issuance, the patient's qualifying medical condition, symptoms or side effects, the certifying provider's name, medical specialty, and signature.

1.3. Certification Period

After a registration certificate is issued, the registration shall be valid for one year from the last day of the month in which the registration is issued. (See He-C 402.05(I).) A registration certificate may be renewed annually pursuant to He-C 402.06.

1.4. Goals and Priorities

The Department's goal is the implementation and continued operation of a self-sustaining program that safely and efficiently provides therapeutic cannabis to qualifying patients throughout the State of New Hampshire.

RSA 126-X:7, IV(c) requires the Department to consider the following priorities in the selection process, to include, but not be limited to:

- The suitability of the proposed location, including compliance with any local zoning laws and geographic convenience for qualifying patients from throughout the State of New Hampshire to ATCs.
- The proposed ATC's plan for operations and services, whether it has sufficient capital to operate, and its ability to provide a steady supply of cannabis to the qualifying patients in the state.
- The proposed ATC's plan for the disposition of revenues to maintain its not-for-profit status for the benefit of its patients.
- The corporate officers, board members and executive employees' character and relevant experience, including any training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, cannabis cultivation and preparation, and in the operation of a nonprofit organization or business.
- The applicant's plan for making cannabis available on an affordable basis to, at a minimum, qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance, and having policies



regarding services for qualifying patients who cannot afford to purchase cannabis for therapeutic use.

- The applicant's plan for cultivation using safe growing methods that is consistent with U.S. Department of Agriculture organic requirements at 7 CFR Part 205.
- The applicant's plan for ensuring purity and consistency of cannabis that is free of contaminants.
- The applicant's plan for safe and accurate packaging and labeling of cannabis.
- The sufficiency of the applicant's plans for recordkeeping and inventory control.
- The sufficiency of the applicant's plans for safety and security, including proposed location and security devices employed in order to prevent theft or diversion.
- Whether the entity possesses or has the right to use sufficient land, buildings, and equipment to properly carry out its duties as an alternative treatment center.

1.4.1. Geographic Mandate

RSA 126-X:7, IV(c)(1) requires the Department "to the greatest extent practicable, ensure that alternative treatment centers are geographically located so as to best serve the needs of qualifying patients." The Department has structured the RFA to foster geographic separation to "best serve the needs of qualifying patients" within the context of a maximum of four ATCs.

The Department has created four geographic areas in the state (See Appendix A - Geographic Area Map). Only one ATC shall be located in each geographic area. Geographic areas shall in no way limit a qualifying patient's right to choose a specific ATC, but a qualifying patient may designate only one ATC at any one time. A qualifying patient may change that designation upon notification to the Department.

The Department is accepting applications for all four geographic areas.



2. REQUIRED SERVICES AND INFORMATION FOR APPLICANTS

2.1. ATC Services/Functions

ATCs shall provide, at a minimum, the services listed below. ATCs which choose to produce CIP shall also be required to provide the CIP-related services listed below.

- Providing for the cultivation and processing of cannabis, and CIP if applicable.
- Ensuring the quality of the cannabis and CIP, including purity and consistency of dose and that each batch of harvested cannabis and cannabis concentrate produced is tested.
- Ensuring proper packaging and labeling for all cannabis and CIP.
- Dispensing cannabis and CIP to qualifying patients and designated caregivers.
- Implementing security measures that will deter and prevent unauthorized entrance into areas containing cannabis or CIP and to prevent diversion, loss and theft of cannabis or CIP at the ATC and during transport.
- Establishing ongoing inventory controls of all cannabis and CIP.
- Maintaining accurate records and ensuring the confidentiality of patient records.
- Ensuring the proper disposal of cannabis and CIP waste.
- Providing and maintaining educational materials about cannabis, CIP, and their uses and possible abuse to qualifying patients, their designated caregivers, and their certifying providers.
- Providing a plan for making cannabis available on an affordable basis to, at a minimum, qualifying patients enrolled in Medicaid or receiving Supplemental Security Income or Social Security Disability Insurance, and having policies regarding services for qualifying patients who cannot afford to purchase cannabis for therapeutic use.
- Providing secure transportation of cannabis and CIP.
- Collecting information on the effectiveness of the strains used and methods of delivery on qualifying conditions and side effects experienced.

2.2. Notice to Selected Applicants

An applicant that is selected as part of the RFA process shall be required to comply with all requirements contained in He-C 402 prior to the issuance of a registration certificate. This shall include compliance with the post-selection registration process contained in He-C 402.05.

The issuance of a registration certificate is further conditioned upon local zoning approval and compliance with the provisions of RSA 126-X:7, IV(b). The identification of a particular location in the RFA submission does not guarantee that an applicant will be issued a registration certificate for that location.



After a registration certificate is issued, the registration shall be valid for one year from the last day of the month in which the registration is issued. (See He-C 402.05(l).) A registration certificate may be renewed annually pursuant to He-C 402.06.

2.3. Disqualification

The Department at its sole discretion shall disqualify an applicant that:

- (a) Submits an application that is received after the submission deadline as specified in Section 6.2;
- (b) Fails to submit a Minimum Qualifying Application in compliance with Section 5.1.1 and Section 7. The Department may waive minor irregularities;
- (c) Upon review of the documentation submitted in response to Section 4.1, is determined to present an unacceptable risk for the successful operation of an ATC;
- (d) Upon review is found to have submitted an application which includes false, inaccurate, or misleading information;
- (e) Upon review of information received or obtained, relative to Mandatory Responses 3.3., 3.4, 3.5, or 3.6, is determined to present an unacceptable risk for the successful operation of an ATC; or
- (f) Discloses or distributes its application to anyone other than to the Department prior to the time it becomes public pursuant to Section 6.15.

2.4. Single Application

An applicant must submit only one application in response to this RFA. An applicant may apply for more than one and up to four geographic areas in a single application. However, an applicant may only be awarded two geographic areas and then only if one of the two geographic areas is Geographic Area 3, pursuant to Section 5.3. Any responses that are specific to a particular geographic area shall be clearly identified in the responses as applicable only to that particular geographic area.

2.5. Registered Premises

The dispensing portion of an ATC must be located in the geographic area for which it was awarded. The cultivation and processing of cannabis may be conducted in the same location as the dispensary or at a second location which does not have to be within the same geographic area, or at both locations.

The following additional requirements shall apply to an applicant that is awarded two geographic areas:

- The applicant shall establish and maintain a dispensing location in each geographic area for which it was awarded.

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- The applicant may have up to two additional locations for the cultivation and processing of cannabis, but these locations need not be located in the same geographic areas as the dispensing portions of the ATC.
- The applicant shall not be required to have multiple locations for the cultivation and processing of cannabis.



3. ORGANIZATION AND OPERATIONAL REQUIREMENTS – MANDATORY RESPONSES

This section describes the responsibilities of an applicant that is selected and issued a registration certificate by the Department to operate an ATC in New Hampshire.

All components listed in this section will be required prior to the issuance of a registration certificate (except the production of CIP). Not all information described in this section will be required as part of the RFA submission to meet a Minimum Qualifying Application as specified in this RFA. These components will be clearly identified as “optional” or with the words “if available.” If the information is unavailable, the applicant shall respond “unavailable.” Applicants that have not provided this information as part of the RFA submission shall be required to provide it as part of the post-selection registration process. An applicant that provides information identified as “optional” or “if available” with its RFA submission will be scored on the answers it provides. An applicant that does not provide information identified as “optional” or “if available” shall receive no points for that component.

3.1. Establish and Maintain an ATC

ATCs will be required to cultivate, process, transfer, transport, sell, supply, and dispense cannabis to registered qualifying patients and designated caregivers.

Response No. 1 - Mandatory

R.1.1	PROVIDE YOUR PLAN FOR OPERATIONS AND SERVICES, CONSISTENT WITH THE REQUIREMENTS CONTAINED IN HE-C 402.09 THROUGH 402.25, AND HE-C 402.31 THROUGH 402.34. THE PLAN MUST CONTAIN AT A MINIMUM THE FOLLOWING INFORMATION: A DETAILED DESCRIPTION OF ALL PRODUCTS, INCLUDING STRAINS OF CANNABIS AND TYPES OF CIP, AND SERVICES, INTENDED TO BE OFFERED; A PROPOSED TIMELINE FOR OFFERING PRODUCTS AND SERVICES; A PROPOSED PRICE SCHEDULE FOR SUCH PRODUCTS AND SERVICES; AND HOURS OF OPERATION. INCLUDE A DESCRIPTION OF ANY ASSUMPTIONS USED IN DEVELOPING THE PLAN.
R.1.2	PROVIDE A DETAILED SUMMARY OF A THREE-YEAR BUSINESS PLAN FOR THE PROPOSED ATC, INCLUDING STRATEGIC PLANNING ASSUMPTIONS, UTILIZATION PROJECTIONS, GROWTH PROJECTIONS, AND PROJECTED REVENUE AND EXPENSES.
R.1.3	PROVIDE A START-UP TIMETABLE WHICH INCLUDES THE ESTIMATED TIME IT WILL TAKE TO BECOME FULLY OPERATIONAL, INCLUDING EACH OF THE ASSOCIATED MILESTONES/BENCHMARKS AND TIMEFRAMES FOR ACHIEVING THEM, FROM THE TIME OF SELECTION, THROUGH THE POST-SELECTION REGISTRATION PROCESS, AND UNTIL THE ATC IS OPEN FOR BUSINESS (I.E., DISPENSING CANNABIS).



3.2. Organization

An ATC must be a corporation that is registered with the NH Secretary of State under RSA 292. An ATC must also be a charitable trust pursuant to RSA 7:19 et seq. for the benefit of qualifying patients. However, proof of registration as a charitable trust under RSA 7:19 et seq. shall not be required as part of this RFA submission but selected applicants shall be required to include the proof with the registration application that is submitted within 90 days of selection in accordance with He-C 402.05(c).

The ATC shall maintain bylaws in accordance with applicable law. The bylaws shall include, at a minimum:

- (a) Mission and charitable purpose;
- (b) Criteria for and composition of the board of directors, terms, and meetings;
- (c) Procedures for the selection and replacement of corporate officers, their governance and duties;
- (d) Provisions relative to dissolution of the not-for profit corporation's assets, which shall ensure that they are treated in accord with its not-for-profit purpose and for the benefit of qualifying patients;
- (e) A conflict of interest policy governing the board and corporate officers; and
- (f) A financial policy governing financial transactions, that ensure they are in the corporation's best interest and are consistent with the not-for-profit purpose of the corporation and RSA 7:19-a.

An ATC's board must include at least one physician, advance practice registered nurse (APRN), or pharmacist licensed to practice in New Hampshire. This medical professional shall not maintain an ownership interest in the ATC. The ATC's board shall also include at least one patient qualified to register as a qualifying patient. The majority of the ATC's board shall be New Hampshire residents.

Response No. 2 - Mandatory

R.2.1	PROVIDE THE NOT-FOR-PROFIT CORPORATION'S LEGAL NAME, ARTICLES OF AGREEMENT, AND BYLAWS.
R.2.2	PROVIDE THE MISSION STATEMENT, INCLUDING A DESCRIPTION OF THE NOT-FOR-PROFIT CORPORATION'S CHARITABLE PURPOSE.
R.2.3	PROVIDE A "CERTIFICATE OF GOOD STANDING" FROM THE NH SECRETARY OF STATE AUTHORIZING THE ATC TO DO BUSINESS AS A NOT-FOR-PROFIT CORPORATION IN THE STATE OF NEW HAMPSHIRE.
R.2.4	PROVIDE A CURRENT ORGANIZATIONAL CHART THAT INCLUDES POSITION DESCRIPTIONS, AND ANTICIPATED NUMBER OF EMPLOYEES AND VOLUNTEERS.



R.2.5 AN APPLICANT OPERATING AN ATC OR ITS EQUIVALENT IN ANOTHER JURISDICTION SHALL PROVIDE ITS LOCATION, DATES OF OPERATION, AND A DESCRIPTION OF ITS OPERATIONS INCLUDING THE NUMBER OF QUALIFYING PATIENTS CURRENTLY BEING SERVED.

3.3. Corporate Officers, Board Members, and Executive Employees

The corporate officers, board members, and executive employees' character and experience shall be considered in the scoring. This shall include relevant experience, training, or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, cannabis cultivation and preparation, and operating a nonprofit organization or other businesses.

Response No 3 - Mandatory

PROVIDE THE FOLLOWING FOR EACH CORPORATE OFFICER, BOARD MEMBER, AND EXECUTIVE EMPLOYEE OF THE PROPOSED ATC:

- R.3.1 THE INDIVIDUAL'S NAME, ADDRESS, AND DATE OF BIRTH.
- R.3.2 A RESUME AND ANY ADDITIONAL INFORMATION REGARDING EACH INDIVIDUAL'S RELEVANT EXPERIENCE, TRAINING, OR PROFESSIONAL LICENSING RELATED TO MEDICINE, PHARMACEUTICALS, NATURAL TREATMENTS, BOTANY, CANNABIS CULTIVATION AND PREPARATION, AND OPERATING A NONPROFIT ORGANIZATION OR OTHER BUSINESSES.
- R.3.3 TWO PROFESSIONAL REFERENCES AND ONE PERSONAL REFERENCE (FROM NONFAMILY MEMBER).
- R.3.4 A DESCRIPTION OF ANY PAST OR PENDING LEGAL OR ENFORCEMENT ACTIONS, ADMINISTRATIVE, CIVIL, OR CRIMINAL, IN THIS OR ANY OTHER STATE AGAINST YOU OR AN ENTITY, INCLUDING PARENTS, SUBSIDIARIES, AND AFFILIATES, RELATED TO THE CULTIVATION, PROCESSING, OR SALE OF CANNABIS FOR MEDICAL OR THERAPEUTIC PURPOSES IN WHICH ANY OF THE PERSONS LISTED ABOVE WAS OR IS A CORPORATE OFFICER, BOARD MEMBER, OR EXECUTIVE EMPLOYEE. PROVIDE COPIES OF ANY COMPLAINTS, TITLE OF THE ACTION, AND DOCKET NUMBER, IF AVAILABLE, INCLUDING THE NAME AND JURISDICTION OF THE COURT WHERE ACTION WAS FILED AND THE STATUS OF THE ACTION. STATE "NONE" WHERE THERE IS NONE.
- R.3.5 A DESCRIPTION OF ANY DENIAL, SUSPENSION, OR REVOCATION OF OR CONDITION ON A LICENSE OR REGISTRATION, FOR ANY TYPE OF BUSINESS OR PROFESSION, BY ANY FEDERAL, STATE, OR LOCAL GOVERNMENT, OR ANY FOREIGN JURISDICTION, INCLUDING DENIAL, SUSPENSION, DEBARMENT, REVOCATION, OR REFUSAL TO RENEW CERTIFICATION FOR OR ENROLLMENT IN MEDICAID OR MEDICARE OR OTHER INSURER OR FAILURE TO FOLLOW NOT-FOR-PROFIT



	PROCEDURES OR RULES, OR THE IMPOSITION OF AN ADMINISTRATIVE FINE AGAINST YOU OR AN ENTITY, INCLUDING PARENTS, SUBSIDIARIES, AND AFFILIATES, RELATED TO THE CULTIVATION, PROCESSING, OR SALE OF CANNABIS FOR MEDICAL OR THERAPEUTIC PURPOSES IN WHICH ANY OF THE PERSONS LISTED ABOVE WAS OR IS A CORPORATE OFFICER, BOARD MEMBER, OR EXECUTIVE EMPLOYEE. STATE "NONE" WHERE THERE IS NONE.
R.3.6	A SEPARATE SWORN STATEMENT THAT THE INDIVIDUAL HAS NEVER BEEN CONVICTED OF A FELONY.

3.4. **Physical Location**

The following requirements apply to the ATC and, if a second location for cultivation and processing is intended, to the proposed second location. A single registration certificate will be issued to cover both the ATC and a second location for cultivation and processing.

The physical location(s) of the ATC shall be evaluated in compliance with these legislative mandates:

- (a) The ATC shall not be located within 1,000 feet of the property line of a pre-existing public or private elementary, or secondary school or designated drug-free school zones.
- (b) The ATC shall not be located in a zoned residential district.
- (c) The ATC shall have local zoning approval.

If the physical address and/or the city or town is not known, the applicant shall clearly state this in its response.

Response No. 4 - Optional

TO THE EXTENT KNOWN, APPLICANT SHALL PROVIDE THE FOLLOWING:	
R.4.1	THE PROPOSED PHYSICAL ADDRESS OF THE ATC AND, IF APPLICABLE, THE SECOND LOCATION FOR CULTIVATION AND PROCESSING. IF AN ADDRESS HAS NOT BEEN DETERMINED, PROVIDE THE CITY OR TOWN WHERE THE ATC AND SECOND LOCATION WILL BE LOCATED.
R.4.2	FOR THE PROPOSED CITY OR TOWN STATE WHY IT WILL BEST SERVE QUALIFYING PATIENTS THROUGHOUT THE STATE. PROVIDE THE RESULTS OF ANY ANALYSIS OF COST, POPULATION, OR ANY OTHER FACTORS USED IN SELECTING THE LOCATION.
R.4.3	DESCRIBE EFFORTS TO OBTAIN ASSURANCES OF SUPPORT OR NON-OPPOSITION FROM THE LOCAL ZONING AUTHORITY IN THE MUNICIPALITY(IES) IN WHICH YOU INTEND TO LOCATE THE ATC, AND SECOND SITE IF APPLICABLE, AND INDICATE WHETHER THE



	MUNICIPALITY'S ZONING AUTHORITY HAS EXPRESSED ANY CONDITIONS, CONCERNS OR OPPOSITION. IF AVAILABLE, ATTACH LETTERS OF SUPPORT OR NON-OPPOSITION FURNISHED BY THE LOCAL MUNICIPALITY(IES).
R.4.4	IF A PHYSICAL ADDRESS HAS BEEN DETERMINED, INCLUDE A MAP THAT SHOWS THE PROPOSED LOCATION(S), INCLUDING THE DISTANCE, IN FEET, FROM THE PROPERTY LINE OF A PRE-EXISTING PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR DESIGNATED DRUG-FREE SCHOOL ZONES, LOCATED WITHIN ONE-QUARTER MILE OF THE PROPOSED LOCATION(S) TO VERIFY THAT: (A) THE PROPOSED LOCATION(S) ARE NOT LOCATED WITHIN 1,000 FEET OF THE PROPERTY LINE OF A PRE-EXISTING PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL OR DESIGNATED DRUG-FREE SCHOOL ZONES; AND (B) THE PROPOSED LOCATION(S) ARE NOT LOCATED IN A ZONED RESIDENTIAL DISTRICT.
R.4.5	IF A PHYSICAL ADDRESS HAS BEEN DETERMINED, PROVIDE DOCUMENTATION DEMONSTRATING THE POSSESSION OF OR RIGHT TO USE THE LAND AND BUILDINGS, SUCH AS A VALID LEASE, DEED, OR OTHER DOCUMENTATION TO PROVE OWNERSHIP, POSSESSION, OR RIGHT TO USE.

3.5. **Security**

The ATC shall implement sufficient security measures to deter and prevent unauthorized entrance into areas containing cannabis or CIP and to prevent diversion, loss and theft of cannabis or CIP at the ATC. The security measures must protect the registered premises, registered qualifying patients, designated caregivers, and ATC agents and be in accordance with the requirements listed in He-C 402.24. Registered premises shall include the ATC and any second location for cultivation and processing.

Response No. 5 - Mandatory

APPLICANT SHALL PROVIDE THE FOLLOWING:

- | | |
|-------|---|
| R.5.1 | THE ATC'S PLAN FOR SAFETY AND SECURITY THAT MEETS THE REQUIREMENTS OF HE-C 402.24 AND A DESCRIPTION OF THE SECURITY SYSTEMS AND DEVICES TO BE USED. |
| R.5.2 | IF AVAILABLE, INCLUDE A FLOOR PLAN OF THE PROSPECTIVE ATC, AND SECOND SITE IF APPLICABLE, THAT SHOWS THE LAYOUT OF THE ENCLOSED LOCKED FACILITY, IN WHICH ALL AREAS, INCLUDING LIMITED ACCESS AREAS, ARE CLEARLY INDICATED ON THE DIAGRAM OF THE REGISTERED PREMISES. THE DIAGRAM SHALL IDENTIFY THE INTENDED FUNCTION OF EACH AREA, AND INCLUDE ALL WALLS, |



PARTITIONS, COUNTERS, INTERIOR AND EXTERIOR LIGHTING, AND ALL AREAS OF ENTRY AND EXIT. IF "UNAVAILABLE," STATE "UNAVAILABLE."

3.6. **Affordability**

An ATC shall have a plan for making cannabis, CIP, and paraphernalia available on an affordable basis to qualifying patients with verified financial hardship and a policy for qualifying patients who cannot afford to purchase cannabis for therapeutic use.

Response No. 6 - Mandatory

APPLICANT SHALL PROVIDE THE FOLLOWING:

- R.6.1 THE PLAN FOR PROVIDING AFFORDABLE PRODUCTS AND SERVICES TO QUALIFYING PATIENTS ENROLLED IN MEDICAID OR RECEIVING SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY DISABILITY INSURANCE.
- R.6.2 THE PLAN FOR PROVIDING AFFORDABLE PRODUCTS AND SERVICES TO OTHER QUALIFYING PATIENTS WITH VERIFIED FINANCIAL HARDSHIP, AND THE METHOD BY WHICH FINANCIAL HARDSHIP IS DETERMINED.
- R.6.3 THE ALTERNATE PRICE LIST.

3.7. **Documentation and Maintenance of Records**

All electronic and paper records and documentation shall be maintained in compliance with RSA 126-X, He-C 402, and HIPAA, as applicable. All required records shall be made available to the Department at any time upon request for review and inspection. An ATC shall maintain all required records for a minimum of 4 years.

Response No. 7 - Mandatory

- R.7. APPLICANT SHALL DESCRIBE HOW THE ATC WILL CREATE AND MAINTAIN THE RECORDS REQUIRED IN HE-C 402.32 AND HE-C 402.10(P) AND (Q), INCLUDING A DETAILED DESCRIPTION OF HOW THE ATC WILL SATISFY THE CONFIDENTIALITY REQUIREMENTS OF RSA 126-X:7, IV(C)(6) AND HE-C 402.25.

3.8. **Inventory Control**

An ATC shall establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of cannabis, which shall enable the ATC to detect any diversion, theft, or loss in a timely manner and which shall be in accordance with the requirements listed in He-C 402.13.



Response No. 8 - Mandatory

R.8	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR ONGOING INVENTORY CONTROL, INVENTORY REVIEWS AND COMPREHENSIVE INVENTORIES OF CANNABIS AND CIP IN QUANTITIES NOT TO EXCEED THE MAXIMUM QUANTITIES ESTABLISHED IN HE-C 402.12, INCLUDING HOW THE PLAN WILL FACILITATE THE DETECTION OF ANY DIVERSION, THEFT, OR LOSS IN A TIMELY MANNER.
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3.9. Transportation

An ATC shall transport cannabis only as permitted in He-C 402.11.

Response No. 9 - Mandatory

R.9	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR SECURELY TRANSPORTING CANNABIS IN ACCORDANCE WITH HE-C 402.11.
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3.10. Capacity and Steady Supply

An ATC is required to provide a steady supply of cannabis sufficient to meet the needs of the anticipated number of qualifying patients.

Response No. 10 - Mandatory

R.10	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR MAKING A STEADY SUPPLY OF CANNABIS AVAILABLE FOR QUALIFYING PATIENTS. PROVIDE ANY UNDERLYING ASSUMPTIONS USED IN THE FORMULATION OF THE PLAN AND THE ANTICIPATED AND MAXIMUM NUMBER OF PATIENTS CAPABLE OF BEING SERVED.
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3.11. Cultivation

He-C 402.14(c) requires cannabis to be cultivated using safe growing methods that are consistent with U.S. Department of Agriculture organic requirements at 7 CFR Part 205.

Response No. 11 - Mandatory

APPLICANT SHALL PROVIDE THE FOLLOWING:	
R.11.1	THE ATC'S PLAN FOR CULTIVATION, INCLUDING A DESCRIPTION OF THE CULTIVATION METHODS THAT WILL BE USED.
R.11.2	A DESCRIPTION OF ANY EXPERIENCE WITH AND/OR KNOWLEDGE OF ORGANIC GROWING METHODS TO BE USED IN THE CULTIVATION OF CANNABIS.
R.11.3	A DESCRIPTION OF THE METHODS TO BE USED TO ENSURE THAT THE CANNABIS IS FREE OF CONTAMINANTS



3.12. Testing

The ATC shall ensure the quality of the cannabis, including purity and consistency of dose and that each batch of harvested cannabis and each batch of cannabis concentrate produced are tested consistent with the requirements contained in He-C 402.15.

Response No. 12 - Mandatory

R.12	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR ENSURING THE QUALITY OF CANNABIS AND CANNABIS CONCENTRATE, AND EXPLAIN HOW IT COMPLIES WITH THE TESTING REQUIREMENTS OF HE-C 402.15.
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3.13. Production of CIP

An ATC that chooses to produce CIP shall do so in accordance with He-C 402.16. If an applicant chooses not to produce CIP, it must clearly state this in its response.

Response No. 13 - Optional

R.13	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR PRODUCING CIP, INCLUDING THE TYPES OF CIP TO BE PRODUCED AND THE EXTRACTION METHOD(S) TO BE USED FOR PRODUCING CANNABIS CONCENTRATE.
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3.14. Storage of Cannabis

All cannabis and CIP in the process of cultivation, processing, transport, and testing, and all saleable product shall be kept and stored in such a manner as to prevent diversion, theft, or loss, and contamination.

Response No. 14 - Mandatory

R.14	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR STORAGE OF CANNABIS AND CIP THAT COMPLIES WITH THE REQUIREMENTS OF HE-C 402.17 TO PREVENT DIVERSION, THEFT, OR LOSS, AND TO PREVENT CONTAMINATION.
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3.15. Sanitation

An ATC shall cultivate, produce, store, and dispense cannabis and CIP in accordance with the general sanitation requirements of He-C 402.18.



Response No. 15 - Mandatory

R.15	APPLICANT SHALL PROVIDE A COPY OF THE ATC'S PROCEDURES FOR GENERAL SANITATION THAT MEET THE REQUIREMENTS OF HE-C 402.18.
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3.16. Waste

Cannabis and CIP waste shall be stored, secured, and managed in accordance with all applicable state and local statutes, regulations, ordinances, or other requirements. Cannabis and CIP waste shall be made unusable and unrecognizable prior to leaving the registered premises.

Response No. 16 - Mandatory

R.16	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR THE DISPOSAL OF CANNABIS AND CIP WASTE THAT MEET THE REQUIREMENTS OF HE-C 402.22.
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3.17. Packaging and Labeling

All packaging and labeling of cannabis and CIP shall meet the requirements of He-C 402.19.

Response No. 17 - Mandatory

APPLICANT SHALL PROVIDE THE FOLLOWING:	
R.17.1	THE ATC'S PLAN FOR PACKAGING AND LABELING OF CANNABIS AND CIP THAT MEETS THE REQUIREMENTS OF HE-C 402.19. IF A SECOND LOCATION IS INTENDED FOR CULTIVATION AND PROCESSING, THE PLAN SHALL IDENTIFY AT WHICH LOCATION THE PACKAGING AND LABELING WILL OCCUR.
R.17.2	IF AVAILABLE, DESCRIPTIONS OR DEPICTIONS OF THE CONTAINERS, COPIES OF LABELS, AND A DESCRIPTION OF PRODUCTS WITH PRODUCT NAMES. IF "UNAVAILABLE," STATE "UNAVAILABLE."

3.18. Dispensing

An ATC shall dispense only the legally permitted amounts of cannabis or CIP in accordance with He-C 402.20, and only to qualifying patients or designated caregivers who have registered with that ATC and who have been positively identified.

Response No. 18 - Mandatory

R.18	APPLICANT SHALL PROVIDE THE ATC'S PLAN FOR ACCURATE AND SAFE DISPENSING OF CANNABIS AND CIP CONSISTENT WITH THE REQUIREMENTS CONTAINED IN HE-C 402.20.
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3.19. Educational Requirements

An ATC shall maintain an adequate supply of educational materials about cannabis and CIP and their uses. An ATC shall make these materials available for distribution to registered qualifying patients, designated caregivers, and certifying providers. The educational materials shall meet the requirements contained in He-C 402.21, including the requirements regarding language and visual and hearing impairments, and shall be available for inspection by Department at all times.

Response No. 19 - Mandatory

APPLICANT SHALL PROVIDE THE FOLLOWING:

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|--------|---|
| R.19.1 | THE ATC'S PLAN FOR EDUCATING QUALIFYING PATIENTS, DESIGNATED CAREGIVERS, AND CERTIFYING PROVIDERS IN ACCORDANCE WITH HE-C 402.21. |
| R.19.2 | IF AVAILABLE, COPIES OF THE EDUCATIONAL MATERIALS TO BE USED. IF "UNAVAILABLE," STATE "UNAVAILABLE." |
| R.19.3 | THE ATC'S PLAN FOR ENCOURAGING QUALIFYING PATIENTS TO REPORT PRODUCT EFFECTIVENESS THROUGH THE USE OF TRACKING SHEETS. |
| R.19.4 | THE ATC'S PLAN FOR ASSESSING AND REPORTING QUALIFYING PATIENTS' OVERALL SATISFACTION WITH THE SERVICES PROVIDED BY THE ATC. |

3.20. ATC Policies and Procedures

An ATC shall create, maintain, and follow detailed written policies and procedures that meet the requirements contained in He-C 402.09. An applicant shall provide as many policies and procedures as are available. An applicant shall indicate the specific policies and procedures that are "unavailable." If no policies and procedures are available, the applicant shall state that in its response.

Response No. 20 - Mandatory

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| R. 20 | IF AVAILABLE, APPLICANT SHALL PROVIDE COPIES OF THE WRITTEN POLICIES AND PROCEDURES THAT MEET THE REQUIREMENTS CONTAINED IN HE-C 402.09. |
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4. FINANCE

4.1. Financial Standards

The applicant will be required to demonstrate the availability of sufficient capital to initiate and maintain operations of the ATC, and its overall financial stability and capability, and will be evaluated as a low, medium, high or unacceptable risk.

4.1.1. Statement of Applicant's Financial Condition

- (a) Each applicant must submit audited financial statements for the four (4) most recently completed fiscal years.
 - (1) Statements must include a report by an independent auditor that expresses an unqualified or qualified opinion as to whether or not the accompanying financial statements are presented fairly in accordance with generally accepted accounting principles. A disclaimer of opinion, a special report, or an adverse opinion will be grounds for disqualification of the applicant.
 - (2) Complete financial statements must include the following:
 - a. Opinion of Certified Public Accountant;
 - b. Balance Sheet;
 - c. Income Statement;
 - d. Statement of Cash Flow;
 - e. Complete Financial Notes; and
 - f. Consolidating and Supplemental Financial Schedules.
 - (3) An applicant, which is part of a consolidated financial statement, may file the audited consolidated financial statements if it includes the consolidating schedules as supplemental information. An applicant, which is part of a consolidated financial statement, but whose certified consolidated financial statements do not contain the consolidating schedules as supplemental information, shall, in addition to the audited consolidated financial statements, file unaudited financial statements for the applicant alone accompanied by a certificate of authenticity signed by an officer of the corporation, partner, or owner under penalty of unsworn falsification which attests that the financial statements are correct in all material respects.
 - (4) If an applicant is not otherwise required by either state or federal statute to obtain a certification of audit of its financial statements, and thereby elects not to obtain such certification of audit, the applicant shall submit the following:

Uncertified financial statements which contain the information identified in paragraphs (2)(b) through (f) above; and



A certificate of authenticity which attests that the financial statements are correct in all material respects and is signed by an officer of the corporation, partner, or owner under penalty of unsworn falsification.

- (b) If an applicant does not have four years of financial statements as described above, the applicant shall submit audited financial statements for each of the years available and the following:
 - (1) Statement of Financial Condition, i.e., a financial statement, accompanied by appropriate disclosures that describe the basis of accounting used in preparation and presentation as of a specified date, of the entity's assets, liabilities and the equity of its owners, also known as a balance sheet;
 - (2) Letter(s) of Credit;
 - (3) Record of source of any funds that will be used to initiate and maintain the ATC, including the name, address, and date of birth of any person who provided funds of more than \$5,000 and any conditions placed on such funds; and
 - (4) Any other documentation that demonstrates the financial viability of the applicant.

4.1.2. Required Attachments

The following are required statements that must be included with the application: documentation of available capital in its control and available, as evidenced by bank statements, lines of credit, including copies of any letters of credit, or equivalent, and any documents identified in Section 4.1.1 above, to ensure that the applicant has sufficient resources to initiate and operate.



5. APPLICATION EVALUATION

5.1. Evaluation Process

Applications shall meet the requirements of a Minimum Qualifying Application to be eligible for scoring. Minimum Qualifying Applications must achieve a minimum score of 540 points to be considered for selection. If no applicant submits a Minimum Qualifying Application that receives at least a minimum score in a geographic area, the Department shall not select an applicant for that geographic area and may reissue an RFA.

As part of its evaluation process, the Department may contact references, state regulators, and any other state or local official where the applicant or other parties associated with the applicant have engaged in or sought to be engaged in business. This includes any jurisdiction where an applicant engaged in or sought to be engaged in a state's therapeutic cannabis or medical marijuana program. The Department may also visit any proposed locations in response to this RFA.

The Department shall use the following process:

- Initial Screening;
- Preliminary Scoring of Applications;
- Oral Presentations; and
- Final Evaluation of Applications.

5.1.1. Initial Screening

The Department will conduct an initial screening to verify that an application satisfies the requirements of a Minimum Qualifying Application as described in Section 7 Application Requirements. An application that fails to satisfy such requirements shall be disqualified without further consideration.

5.1.2. Preliminary Scoring of Applications

The Evaluation Team will assign a preliminary score to all Minimum Qualifying Applications in accordance with Section 5.2.

5.1.3. Final Evaluation

The Evaluation Team will conduct final evaluations as a culmination of the entire process of reviewing applications and gathering information. Reference and background checks will be conducted as appropriate. The Evaluation Team will complete the scoring process and assign the final scores to applicants.

5.1.4. Minimum Score

An applicant shall meet a minimum score of 600 points to be considered for selection.



5.2. Scoring Detail and Criteria

The maximum number of points available for each Mandatory Response is listed below. A response that contains multiple components also lists the maximum point value assigned to each component.

5.2.1. Mandatory Responses (Section 3) – Maximum of 1200 points

Response No. 1 Plan for Operations and Services – 140 points

- R.1.1 Products and Services to be offered – 100 points
- R.1.2 Business Plan – 10 points
- R.1.3 Startup Timetable – 30 points

Response No. 2 Organization - 150 points

- R.2.1 Name, Articles of Agreement, and Bylaws – 40 points
- R.2.2 Mission statement and charitable purpose – 100 points
- R.2.3 Certificate of Good Standing – 5 points
- R.2.4 Organizational chart – 5 points
- R.2.5 Operating in another jurisdiction – 0 points

Response No. 3 Character and Experience of Corporate Officers, Board Members, and Executive Employees – 100 points

- R.3.1 Name of each individual, address and date of birth – 0 points
- R.3.2 Resumes and relevant experience – 70 points
- R.3.3 References (2 professional and 1 personal, nonfamily) – 10 points*
- R.3.4 Review of any civil, criminal or enforcement actions – 10 points*
- R.3.5 Review of any license or registration actions – 10 points*
- R.3.6 Sworn statement of no felony convictions – 0 points*

*Note: May result in disqualification in accordance with Section 2.3(e).

Response No. 4 Physical Location – 30 points

- R.4.1 Proposed physical address, or general location – 0 points
- R.4.2 Geographic convenience for qualifying patients/caregivers – 20 points
- R.4.3 Evidence of zoning approval -- 5 points
- R.4.4 Map showing location relative to schools & residential districts – 0 points
- R.4.5 Possession or right to use land and buildings – 5 points



Response No. 5 Security – 100 points

- R.5.1 Plan for safety and security – 100 points
- R.5.2 Floor plan(s) of ATC – 0 points

Response No. 6 Affordability – 75 points

- R.6.1 Plan for qualifying patients enrolled in Medicaid/SSI/SSDI – 40 points
- R.6.2 Plan for qualifying patients with verified financial hardship – 30 points
- R.6.3 Alternate price list – 5 points

Response No. 7 Documentation and Maintenance of Records – 25 points

Response No. 8 Inventory Control – 100 points

Response No. 9 Transportation – 25 points

Response No. 10 Capacity/Steady supply – 50 points

Response No. 11 Cultivation – 100 points

- R.11.1 Plan for cultivation – 40 points
- R.11.2 Experience with and/or knowledge of organic growing methods – 30 points
- R.11.3 Methods for ensuring cannabis free of contaminants – 30 points

Response No. 12 Testing – 25 points

Response No. 13 Production of CIP – 50 points

Response No. 14 Storage of Cannabis – 25 points

Response No. 15 Sanitation – 25 points

Response No. 16 Waste – 25 points

Response No. 17 Packaging and Labeling – 25 points

- R.17.1 Plan for packaging and labeling – 20 points
- R.17.2 Descriptions or depictions of containers, copies of labels, and products names – 5 points

Response No. 18 Dispensing – 50 points



Response No. 19 Education – 55 points

- R.19.1 Plan for educating qualifying patients, designated caregivers and certifying providers – 25 points
- R.19.2 Copies of materials – 5 points
- R.19.3 Plan for encouraging reporting of product effectiveness – 15 points
- R.19.4 Plan for assessing and reporting patient satisfaction – 10 points

Response No. 20 ATC Policies and Procedures – 25 points

- 5.2.2. Financial Stability (Section 4) – Maximum of 300 points

Low risk – 300 points

Medium risk – 150 points

High risk – 75 points

Unacceptable risk – Disqualification pursuant to Section 2.3(c)

5.3. **Award Selection**

Upon issuing a final score to all Minimum Qualifying Applications, the awards shall be granted as follows:

- (a) Awards shall be granted by geographic area.
- (b) The award for Geographic Area 3 shall be made first. This award shall be granted to the applicant with the highest score for Geographic Area 3. (Awarding Geographic Area 3 first is necessary because only an applicant that scores highest in Geographic Area 3 may have the opportunity to be awarded a second geographic area.)
- (c) The awards for Geographic Area 1, Geographic Area 2, and Geographic Area 4 shall be made next, as follows:
 - (1) The first geographic area awarded shall be the geographic area for which the highest score was issued. The first award shall be granted to the applicant with the highest score in that geographic area.
 - (2) The next geographic area awarded shall be the geographic area for which the highest remaining score was issued not including any scores received by an entity already awarded a geographic area. The second award shall be granted to the applicant with the highest score in that geographical area.
 - (3) The last award shall be granted to the applicant with the highest score in the remaining geographic area.
 - (4) If an applicant that has applied for more than one geographic area receives equivalent highest scores for two or more geographic areas, the geographic



area awarded first shall be the geographic area for which the applicant has indicated the higher preference of the remaining geographic areas.

6. Application and Post Selection Registration Process

6.1. Contact Information - Sole Point of Contact

6.1.1. Sole Point of Contact for RFA

The sole point of contact for this RFA relative to the application process, from the RFA issue date until the selection of an applicant(s), is the Procurement Coordinator:

State of New Hampshire
Department of Health and Human Services
Eric D. Borrin
Director of Contracts & Procurement
129 Pleasant Street – Brown Building
Concord, New Hampshire 03301
Email: eric.borrin@dhhs.state.nh.us
Fax: 603-271-4912
Phone: 603-271-9558

Other personnel are NOT authorized to discuss this RFA with applicants before the application submission deadline. Contact regarding this RFA with any State personnel not listed above could result in disqualification. The State will not be held responsible for oral responses to applicants regardless of the source.

6.1.2. Sole Point of Contact for Post-Selection Registration Process

The sole point of contact relative to the post-selection registration process and prior to the issuance of the registration certificate is:

State of New Hampshire
Department of Health and Human Services
John Martin, Manager
Bureau of Licensing and Certification
129 Pleasant Street – Brown Building
Concord, New Hampshire 03301
Email: jbmartin@dhhs.state.nh.us
Fax: 603-271-5590
Phone: 603-271-9256



6.2. Procurement Timetable

Procurement Timetable		
Item	Action	Date
1.	Release RFA	12/19/2014
2.	Letter of Intent due	By: 2:00 pm 01/02/2015
3.	Applicants' questions due	By: 2:00 pm 01/09/2015
4.	Answers to Applicants' questions posted	01/16/2015
5.	Applications due	By: 2:00pm 01/28/2015

All times are according to Eastern Time.

The Department reserves the right to modify these dates at its sole discretion.

6.3. Letter of Intent

Although not required, applicants are strongly encouraged to submit a Letter of Intent by the date specified in Section 6.2. Questions in Section 6.4 below may not be accepted from any potential applicants that have not submitted a Letter of Intent.

6.4. Applicants' Questions

All questions about this RFA, including, but not limited to, requests for clarification, or additional information, must be made in writing, citing the RFA page number and section, and submitted to the Procurement Coordinator identified in Section 6.1.1 by the deadline given in Section 6.2.

Questions shall be accepted from applicants that have submitted a Letter of Intent, and may be submitted by fax or e-mail; however, the Department assumes no liability for assuring accurate and complete fax and e-mail transmissions. The Department will not acknowledge receipt of questions.

6.5. Department Answers

The Department intends to issue responses to properly submitted questions by the deadline specified in Section 6.2. The Department may consolidate or paraphrase questions for efficiency and clarity. Questions that are not understood will not be answered. Statements that are not questions will not receive a response. Written answers to questions will be posted on the Department website (<http://www.dhhs.nh.gov/business/rfp/index.htm>) and sent as an attachment in an e-mail to the contact identified in the Letter of Intent. This date may be subject to change at the Department's discretion.



6.6. RFA Amendment

The Department reserves the right to amend this RFA at any time, including, but not limited, to dates and times in Section 6.2, as it deems appropriate, on its own initiative or in response to issues raised through applicants' questions. In the event of an amendment to the RFA, the Department, at its discretion, may extend the application submission deadline. Applicants that have submitted a Letter of Intent will receive notification of the amendment, and the amended language will be posted on the Department's website.

6.7. Application Submission

Applications submitted in response to this RFA must be received no later than the time and date specified in Section 6.2. Applications must be addressed for delivery to the Procurement Coordinator, as specified in Section 6.1.1, and marked with RFA #15-DHHS-OHS-OOS-RFA-01.

A late submission will not be accepted and will remain unopened. A late submission will be discarded if not re-claimed by an applicant by the time selections are made. Delivery of an application shall be at the applicant's expense. The time of receipt shall be when an application has been officially documented by the Department, in accordance with its established policies, as having been received at the location designated above. The Department accepts no responsibility for mislabeled mail or any damage that may occur during delivery.

6.8. Oral Presentations

The Department reserves the right to require some or all applicants to participate in oral presentations, provided that they receive a minimum score as a result of the preliminary scoring of applications. Any and all costs associated with an oral presentation shall be borne entirely by the applicant. The presentation will not afford an applicant the opportunity to change, extend, or otherwise amend its application in intent or substance.

6.9. Compliance

The applicant must be in compliance with applicable federal and state laws, rules and regulations, and applicable policies and procedures adopted by the Department currently in effect, and as they may be adopted or amended during the certification period.

6.10. Non-Collusion

The applicant's required signature on the Transmittal Cover Letter for an application submitted in response to this RFA guarantees that the terms and conditions, and services described have been established without collusion with other applicants and



without effort to preclude the Department from obtaining the best possible competitive application.

6.11. Subcontractors

An applicant shall not be permitted to contract, delegate, or assign with or to another entity for the performance of any of the following core functions and/or services of the ATC's operation: cultivation; manufacturing; processing; packaging and labeling; transporting; or dispensing cannabis.

6.12. Validity of Application

Representations made in the application shall be binding on the applicant during the review process, and, if selected, for the entire post-selection registration process through the date the registration certificate is issued. Any changes to the application that are required during the registration process may be allowed at the discretion of the Department.

6.13. Property of Department

All materials and property submitted to and received by the Department in response to this RFA will become the property of Department and will not be returned to the applicant. The Department reserves the right to use any information presented in any application provided that its use does not violate any copyrights or other provisions of law.

6.14. Application Withdrawal

Prior to the closing date for receipt of applications, a submitted Letter of Intent or application may be withdrawn by submitting a written request for its withdrawal to the Procurement Coordinator identified in Section 6.1.1.

6.15. Public Disclosure

All applications shall remain confidential and shall not be made public until 10 days after the Department's written notice to the selected applicants. An applicant's disclosure or distribution of its application other than to the Department will be grounds for disqualification.

Any information submitted as part of an application in response to this RFA may be subject to public disclosure under New Hampshire RSA 91-A. Accordingly, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV.

Insofar as an applicant seeks to maintain the confidentiality of its confidential commercial, financial or personnel information, the applicant must clearly identify in writing on each page of the application the information, if any, it claims to be



confidential. The applicant shall also submit a separate letter identifying by page number and application section number the specific information the applicant claims to be exempt from public disclosure pursuant to RSA 91-A:5, including an explanation of the reasons such information should be considered confidential.

Each applicant acknowledges that the Department is subject to the Right-to-Know Law RSA 91-A. The Department shall maintain the confidentiality of the identified confidential information insofar as it is consistent with applicable laws or regulations, including but not limited to RSA 91-A. In the event the Department receives a request for the information identified by an applicant as confidential, the Department shall notify the applicant and specify the date the Department intends to release the requested information. Any effort to prohibit or enjoin the release of the information shall be the applicant's responsibility and at the applicant's sole expense. If the applicant fails to obtain a court order enjoining the disclosure, the Department may release the information on the date the Department specified in its notice to the applicant without incurring any liability to the applicant.

6.16. Non-Commitment

Notwithstanding any other provision of this RFA, this RFA does not commit the Department to award a registration certificate. The Department reserves the right to reject any and all applications or any portions thereof, at any time and to cancel this RFA and to solicit new applications under a new RFA process.

6.17. Liability

By submitting a Letter of Intent or an application in response to this RFA, an applicant agrees that in no event shall the Department be either responsible for or held liable for any costs incurred by an applicant in the preparation or submittal of or otherwise in connection with an application, or for work performed.

6.18. Request for Additional Information or Materials

During the period from date of application submission to the date of selection, the Department may request of any applicant additional information or materials needed to clarify information presented in the application. Such a request will be issued in writing and will not provide an applicant with an opportunity to change, extend, or otherwise amend its application in intent or substance. Key personnel shall be available for interviews.

6.19. Unsuccessful Applicants

Unsuccessful applicants shall not be notified of non-selection. Until the selected applicant(s) receives a registration certificate for a given geographic area, all submitted Minimum Qualifying Applications remain eligible for selection by the Department. In the event a selected applicant(s) is not awarded a registration certificate during the post-selection registration process, the evaluation team may



recommend another applicant(s) which the Department may accept without soliciting new applications under a new RFA process.

Consistent with the provisions of New Hampshire RSA 21-I:13-a, no information shall be available to the public, the members of the general court or its staff, notwithstanding the provisions of RSA 91-A:4, concerning specific invitations to bid or other applications for public bids, from the time the invitation or proposal is made public until the applicants are selected, in order to protect the integrity of the public bidding process. No information shall be provided to non-selected applicants or the public until the names of the entities selected have been posted on the Department's website, at which time non-selected applicants may submit a written request for information concerning their scores. Such requests are not considered appeals of the Department's selections. Once an applicant has submitted a request for information, the Department will attempt to accommodate such requests within a reasonable time.

6.20. Notice of Selection

The Department will notify a successful applicant via certified or overnight mail of its selection and the applicant's obligation to begin the post-selection registration process and pay the initial registration fee in accordance with He-C 402.04(b)(1) or (c)(1). Once an applicant is selected, the applicant must obtain written consent from the Department before any public announcement or news release is issued pertaining to any award.

6.21. Post-Selection Registration Inspections

As part of the post-selection registration process and prior to the issuance of a registration certificate, the applicant shall permit the Department to inspect and monitor the premises, and shall provide any additional information requested by the Department to ensure compliance with He-C 402. The Department reserves the right to refuse to issue a registration certificate if the selected applicant fails to comply with any of the requirements in He-C 402.

6.22. Challenge to Selection

Any challenges to a selection resulting from this RFA shall be governed by the applicable State requirements and procedures and the terms of this RFA. In the event that a legal action is brought challenging this RFA and the selection process, and the State of New Hampshire prevails, the applicant agrees to pay any and all expenses of such action, including attorney's fees and costs incurred by the State. Legal action shall include administrative proceedings.

6.23. Contingency

Aspects of the award may be contingent upon changes to State or federal laws and regulations.



7. Application Requirements

Applicants are expected to examine all documentation and other requirements. Failure to observe the terms and conditions in completion of the application are at the applicant's risk and may, at the discretion of the Department, result in disqualification.

Applications must conform to all instructions, conditions, and requirements included in the RFA. Applicants must offer all services identified in Section 2.1 – ATC Services/Functions, unless an allowance for partial scope is specifically described in Section 3, and must agree to the conditions specified throughout the RFA.

A Minimum Qualifying Application shall consist of a Transmittal Cover Letter, Executive Summary, Mandatory Responses (Section 3), Financial documents (Section 4), Conflict of Interest Statement, Geographic Area Statement, and the application fee. The Mandatory Responses and Financial documents shall be submitted in separate three-ring binders with one original and 10 copies of both binders. The Mandatory Responses, the components within the Mandatory Responses, and the Financial documents shall be separated by tabs within each binder. All applications shall be printed on standard eight and one-half by eleven inch (8 ½" x 11") white paper and in a font size of 10 or larger.

7.1. Mandatory Responses Binder – Format and Content

The Mandatory Responses binder shall be formatted follows:

- One original in a three-ring binder marked as "Original"
- 10 copies in three-ring binders marked as "Copy"
- Electronic copies on a single CD, DVD, or USB drive (one in .doc or .docx format and one in .pdf format) divided into folders that correspond to and are labeled the same as the hard copies

NOTE: In the event of any discrepancy between the copies, the hard copy marked "Original" will control.

- Front cover and spine of hard copy labeled with:
 - Name of company / organization
 - RFA #15-DHHS-OHS-OOS-01
 - Mandatory Responses

The Mandatory Responses binder shall include the following, each of which shall be separately tabbed and identified:

- The Transmittal Cover Letter must be the first page of the binder
 - The binder marked "Original" shall contain a Transmittal Cover Letter marked as "Original" with the original signature
- Table of Contents
- Executive Summary
- Mandatory Responses (Section 3)
- Conflict of Interest Statement
- Geographic Area Statement



7.1.1. Transmittal Cover Letter

An applicant's Transmittal Cover Letter must be on the applicant's letterhead, and be signed by an individual who is authorized to legally bind the applicant to all statements contained in the application. It must also include the following information and assurances:

- The name, title, mailing address, telephone number, and email address of the person authorized to legally bind the applicant;
- The name, title, mailing address, telephone number, and email address of the fiscal agent of the applicant;
- The name, title, telephone number, and email address of the person who will serve as the applicant's representative for all matters relating to the RFA;
- Acknowledgement that the applicant has read this RFA, understands it, and agrees to be bound by its requirements;
- Acknowledgement that the applicant by applying agrees to all terms of this RFA, RSA 126-X, and He-C 402;
- An attestation signed by an authorized designee of the applicant stating that, if the applicant is selected to apply for a registration certificate, the applicant has the financial capacity to pay the registration fee as specified in He-C 402.04(b) or (c);
- Acknowledgment that representations made in the application shall be binding on the applicant during the review process, and, if selected, for the entire post-selection registration process through the date the registration certificate is issued; and
- The date the application was submitted.

7.1.2. Table of Contents

The applicant shall include a Table of Contents that contains the required elements of the application which shall be numbered sequentially.

7.1.3. Executive Summary

The applicant shall include an Executive Summary which shall provide an overview of the applicant's organization and services offered, demonstrating the applicant's understanding of and familiarity with the services and identifying any risks anticipated in providing those services.

7.1.4. Mandatory Responses (Section 3)

The applicant must address every component of Section 3 and provide all required documentation. Components identified as "optional" or with the words "if available" shall be addressed by either providing the information or responding "unavailable." An "unavailable" response shall not preclude an applicant from providing related information.



Responses must be in the same sequence and format as listed in Section 3 and must, at a minimum, cite the Mandatory Response number and component number, as appropriate. Applicants may include required documentation that is not part of the narrative responses as separate appendices in the Mandatory Responses Binder.

7.1.5. Conflict of Interest Statement

The applicant must include a statement regarding any and all affiliations and other relationships that might result in a conflict of interest. Identify the affiliation or relationship and explain why it would not represent a conflict of interest.

7.1.6. Geographic Area Statement

An applicant shall complete and include with the application the "Geographic Area Statement" form found in the RFA Appendix B.

7.2. Financial Documents Binder – Format

The Financial Documents binder shall be formatted follows:

- One original in a three-ring binder marked as "Original"
- 10 copies in three-ring binders marked as "Copy"
- Electronic copies on a single CD, DVD, or USB drive (one in .doc or .docx format and one in .pdf format) divided into folders that correspond to and are labeled the same as the hard copies

NOTE: In the event of any discrepancy between the copies, the hard copy marked "Original" will control.

- Front cover and spine of hard copy labeled with:
 - Name of company / organization
 - RFA #15-DHHS-OHS-OOS-RFA-01
 - Financial documents

The Financial Documents binder shall include the following, each of which shall be separately tabbed and identified:

- Table of Contents
- Financial Documents (Section 4)

7.2.1. Table of Contents

The applicant shall include a Table of Contents that contains the required elements of the Financial Documents (Section 4) which shall be numbered sequentially.



7.2.2. Financial Documents (Section 4)

The applicant must address every component of Section 4 and provide required documentation. Responses must be in the same sequence and format as listed in Section 4.

7.3. **Non-Refundable Fee**

The applicant shall include a non-refundable fee in the form of a check or money order made payable to the "Treasurer, State of New Hampshire," of \$3,000.00 with the application. Any fees submitted to the Department that are returned to the state for any reason shall be processed in accordance with RSA 6:11-a.

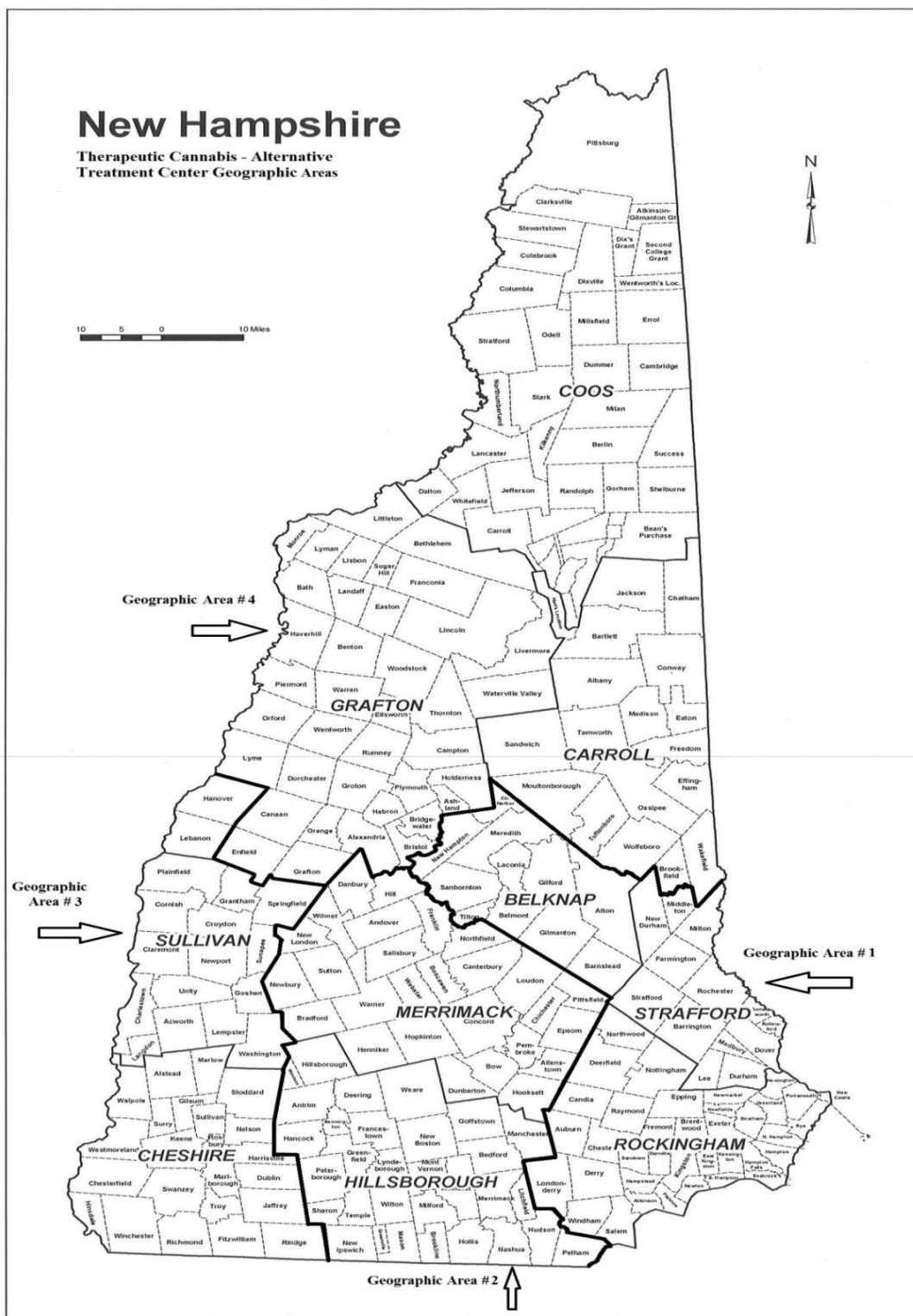


8. ADDITIONAL INFORMATION

- 8.1. Appendix A – Geographic Area Map**
- 8.2. Appendix B – Geographic Area Statement**



8.1. Appendix A – Geographic Area Map





8.2. Appendix B – Geographic Area Statement

Answer the following questions:

- 1) Identify the geographic area(s) you are applying for?

Geographic Area 1 ☐

Geographic Area 2 ☐

Geographic Area 3 ☐

Geographic Area 4 ☐

- 2) If applying for Geographic Area 3, will you accept awards for two geographic areas?

Yes ☐ No ☐

- 3) Will you accept Geographic Area 3, if it is the only geographic area awarded to you?

Yes ☐ No ☐

- 4) If applying for more than one geographic area, rank the geographic areas applied for in order of descending preference.

First Preference: _____

Second Preference: _____

Third Preference: _____

Fourth Preference: _____